

**RESOLUTION NO. 56  
SERIES 2017**

**A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN AT  
A THE ELECTION TO BE HELD ON NOVEMBER 7, 2017 A BALLOT ISSUE AND  
TITLE CONCERNING AN EXCISE TAX ON THE PRICE CHARGED TO ANY PERSON  
FOR A VACATION RENTAL AND USING THE REVENUES FOR AFFORDABLE  
HOUSING PROGRAMS.**

WHEREAS, the Town of Crested Butte, in the County of Gunnison and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR"), requires voter approval for any new tax, any increase in any tax rate, the creation of any multiple fiscal year financial obligation, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the pursuant to the Crested Butte Municipal Code (the "Code") vacation rentals are permitted in certain zoning districts of the Town if the owner of the property obtains a vacation rental license; and

WHEREAS, funding affordable housing for local employees is a priority for the Town Council; and

WHEREAS, the Council wishes to submit to the registered electors of the Town a ballot issue seeking to authorize an increase in Town taxes by imposing an excise tax on the amount charged to any person for a vacation rental and to use the proceeds from such tax to fund affordable housing programs; and

WHEREAS, TABOR requires that the Town submit ballot issues, as defined in TABOR, to the Town's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, Section 2.1 of the Charter provides that Town elections shall be governed by the Colorado municipal election law; and

WHEREAS, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code, provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

WHEREAS, on November 7, 2017, the Gunnison County Clerk and Recorder (the "County Clerk") will be conducting a coordinated election (the "Election") pursuant to the Uniform Election Code of 1992 (the "Election Code"); and

WHEREAS, the general Town election will be held on November 7, 2017 in conjunction with the Election being conducted by the County; and

WHEREAS, November 7, 2017 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the Town pursuant to TABOR; and

WHEREAS, if the registered electors of the Town approve the excise tax and if a County-wide funding source for affordable housing is adopted which the Council determines is sufficient to fund affordable housing needs in the Town, the Council may repeal or reduce the excise tax.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF CRESTED BUTTE, IN THE COUNTY OF GUNNISON AND THE STATE OF**

COLORADO:

Section 1. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Election Code.

Section 2. The Election shall be conducted as a coordinated election by the County Clerk pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "intergovernmental agreement") between the Town and the County Clerk of the County. The Town hereby determines that the Election shall be held on November 7, 2017, and that there shall be submitted to the eligible electors of the Town the question set forth herein. Because the Election will be held as part of the coordinated election, the Council hereby determines that the County Clerk shall conduct the Election on behalf of the Town pursuant to the Uniform Election Code of 1992 and the applicable intergovernmental agreement. The officers of the Town are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 3. Pursuant to Section 31-11-111, C.R.S., the title and submission clause which shall be submitted to the eligible electors of the Town at the Election shall be in substantially the following form:

QUESTION 2A: AUTHORIZATION TO IMPOSE AN EXCISE TAX OF UP TO 5% ON THE AMOUNT CHARGED TO ANY PERSON FOR A VACATION RENTAL AND TO USE THE PROCEEDS TO FUND AFFORDABLE HOUSING PROGRAMS.

SHALL TOWN OF CRESTED BUTTE TAXES BE INCREASED NOT MORE THAN \$325,000 IN 2018 AND BY WHATEVER AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY AN EXCISE TAX OF NOT MORE THAN 5% ON THE AMOUNT CHARGED TO ANY PERSON FOR A VACATION RENTAL FOR THE PURPOSE OF FUNDING AFFORDABLE HOUSING PROGRAMS, WITH THE RATE OF TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 5%; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, KEEP AND SPEND THE REVENUES FROM SUCH TAX AND ANY INVESTMENT INCOME THEREFROM NOTWITHSTANDING THE LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the Election.

Section 5. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 6. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 7. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Town, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section 8. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency

or conflict.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS 5<sup>th</sup> DAY OF SEPTEMBER, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Glenn Michel, Mayor

(SEAL)

ATTEST:

  
Lynelle Stanford, Town Clerk

